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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/624,339               | 07/21/2003  | Si Barghelame        | SUN103              | 6986             |
| 7590                     | 01/31/2006  |                      | EXAMINER            |                  |
| Garrison & Associates PS |             |                      | GIBSON, ROY DEAN    |                  |
| William L. Haynes        |             |                      | ART UNIT            | PAPER NUMBER     |
| Suite 3300               |             |                      | 3739                |                  |
| 2001 Sixth Avenue        |             |                      |                     |                  |
| Seattle, WA 98121-2522   |             |                      |                     |                  |
| DATE MAILED: 01/31/2006  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |                         |
|------------------------------|----------------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>           | <b>Applicant(s)</b>     |
|                              | 10/624,339                       | BARGHELAME, SI          |
|                              | <b>Examiner</b><br>Roy D. Gibson | <b>Art Unit</b><br>3739 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on amendment filed 11/08/2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 16,19 and 20 is/are allowed.
- 6) Claim(s) 1,3-7,9-15 and 18 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Formal Matters***

In the amendment filed on 18 Nov. 2005, the limitations of claim 2 were inserted into claim 1, but claim 2 was not canceled. The examiner has assumed that this was the applicant's intension. In addition, claim 20 was added, therefore, claims 1, 3-16 and 18-20 are currently pending. Because new prior art is applied to previously allowable claim 2, this action is non-final.

***Claim Objections***

Claim 3 as amended, is redundant to claim 1.

Claim 19 is objected to because of the following informalities: in lines 13-16 the absence of UV in the spectrum is recited twice and seems redundant.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 6, 7, 10, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (4,114,205) in view of Dial (5,824,024).

As to claim 1, Muller discloses an enclosure defining a sauna chamber, said sauna chamber having a plurality of interior walls;

infrared-heating elements (5) located inside said sauna chamber;

said infrared heating elements being adjustable for timing and intensity

(controlled via a sensor which varies the power over time to reach and maintain the set temperature);

said infrared heating elements being operable off of standard household electric current;

full spectrum lights (12) located within said sauna chamber;

said lights being adjustable for timing and intensity (control via a rheostat or dimmer device is well known in the art as well as timers for sauna lights); and

an exterior (col. 1, lines 51-col. 2, line 17, col. 2, line 65-col. 3, line 39).

But, Muller fails to disclose the lights are UV free or neodymium lights. However, the examiner maintains that full spectrum lights, as manufactured under the brand name Verilux Natural Spectrum light bulbs and lamps (which are neodymium lights), have been available on the market since the earlier 1990's, and that it would have been obvious to a skillful artisan to utilize these lights in a sauna because of the claims that the lamps mimic the spectrum of Natural Sunlight (IR and visible spectrum: see attached data sheets for details). Furthermore, one of ordinary skill in the art would find it obvious to select lamps without UV so that separate control of tanning of the occupant of a sauna could be realized by separate UV lights when desired. Also Muller fails to disclose the lights can be controlled to gradually increase and decrease in intensity over time and to mimic a natural sunrise and sunset. But, Dial discloses illumination fixtures employing lamps and timer(s) to simulate natural lighting conditions, such as sunrise or

sunset (col. 6, lines 11-45). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the device of Muller, as taught by Dial, to include the capability of simulating natural lighting conditions as claimed.

As to claim 3, the data sheets for Verilux further disclose that harmful UV rays are removed.

As to claims 6 and 7, Muller discloses solid structure of wood, and the examiner maintains that since most saunas are provided in kit form, that the structure is collapsible for easy shipping and assembly (col. 2, line 65-col. 3, line 3). The structure of the dual walls with an air gap is merely a design choice, since other materials for insulation are well known in the art and are even more effective for heat and sound insulation.

As to claim 10, Muller further discloses the lights are located in a plurality of canisters at the top of the enclosure and the examiner maintains that it would have been obvious to a skillful artisan to also locate lights on the interior wall as well as required by the size and location of benches, etc.

As to claims 11 and 15, the examiner maintains that the addition of aromatherapy and magnetic therapy (assuming the magnets are for that purpose) are well known in the art and that it would have been obvious to one of ordinary skill in the art to add these to the sauna.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller/Dial in view of Sung (5,117,481). Muller/Dial fail to disclose a fan for air

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circulation, but, Sung discloses a sauna with a circulating fan (Figure 3 and col. 2, line 63-col. 3, line 20. Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the sauna of Muller/Dial, as taught by Sung, to provide a circulating fan for even distribution of air to all bodies.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller/Dial in view of Toyoshima (4,773,105). Muller/Dial fail to disclose at least one interior wall is covered with a light-reflecting material. But, Toyoshima discloses a sauna wherein all internal surfaces of the walls are covered with aluminum foil to act as reflectors and prevent leakage of IR rays to the outside (col. 6, lines 51-55). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the device of Muller/Dial, as taught by Toyoshima, to include at least one reflective material on a wall to prevent IR leakage and to obviously reflect projected scenes thereon.

Claims 4, 5, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller/Dial in view of Poss (4,277,855) and further in view of Rimm (4,446,346).

As to claims 4 and 9, Muller discloses the controllable elements can be operated independently, but, Muller fails to specifically disclose an interior bench enclosing an area protected from the heat in the sauna, electronic equipment for music etc. and a control box on the exterior wall of the sauna. However, Poss discloses a sauna with

such a bench arrangement (52) and provide with an audio system including radios, cassette decks, etc. (col. 3, lines 44-59 and col. 5, lines 20-59). In addition, Rimmi discloses an electric sauna in which the controls are mounted on the exterior for safety reasons (col. 3, lines 42-65). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the device of Muller, as taught by Poss and Rimmi, to provide the above advantages of the additional elements or features as claimed.

Further to claim 5, Muller discloses all claimed elements of the sauna structure (Figure 1 and col. 2, line 65-col. 3, line 3). Note: a magnetic closure for the door is extremely well known in the art.

### ***Allowable Subject Matter***

Claims 16 and 19-20 are allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okumura et al. (5,811,924) disclose a fluorescent amp with a phosphor film structure that removes all UV except for 380-400 nm; Sakakibara et al.

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(5,227,693) disclose a fluorescent lamp with UV suppressing film; and Azuma (6,055,684) discloses a sauna apparatus with fluorescent lights and most of the typical features of a sauna.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Roy D. Gibson  
Primary Examiner  
Art Unit 3739

January 20, 2006